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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NEILL SAMUELL,
Plaintiff(s),
v.
ALMONA, et al.,
Defendant(s).

Case No. 2:19-cv-01269-JAD-NJK
REPORT AND RECOMMENDATION

13 Plaintiff has failed to update his address. Docket Nos. 38, 41. “A party, not the district
14 court, bears the burden of keeping the court apprised of any changes in [her] mailing address.”
15 *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (*per curiam*); *see also In re Hammer*, 940 F.2d
16 524, 526 (9th Cir. 1991). To that end, the local rules require that litigants immediately file written
17 notification of any change of address, and the local rules expressly warn that failure to do so may
18 result in case-dispositive sanctions. *See* Local Rule IA 3-1.

19 On May 12, 2021, the Court ordered Plaintiff to file a notice of change of address by
20 August 10, 2021. Docket No. 39.¹ The Court expressly warned that “**FAILURE TO COMPLY**
21 **WITH THIS ORDER MAY RESULT IN THE DISMISSAL OF THIS CASE.**” *Id.* at 2
22 (emphasis in original). To date, Plaintiff has failed to comply with that order.

23 Plaintiff has disobeyed the local rules and the Court’s order requiring prompt updating of
24 a litigant’s address. Plaintiff’s failure to update his address, his disobedience with the local rules,
25 and his disobedience of the Court’s order are abusive litigation practices that have interfered with
26 the Court’s ability to hear this case, delayed litigation, disrupted the Court’s timely management

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28 ¹ The Court provided a lengthy 90-day period for the address update given that Plaintiff
was in the process of transitioning to post-incarceration life. *Id.* at 2.

1 of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the
2 orderly administration of justice. Sanctions less drastic than dismissal are unavailable because
3 Plaintiff has refused to comply with the order of this Court notwithstanding the warning that case-
4 dispositive sanctions may be imposed. Moreover, the Court is unable to contact Plaintiff "to
5 threaten [her] with some lesser sanction [because] [a]n order to show cause why dismissal was not
6 warranted or an order imposing sanctions would only find itself taking a round trip tour through
7 the United States mail." *Carey*, 856 F.2d at 1441.

8 Accordingly, in light of the circumstances outlined above, the undersigned
9 **RECOMMENDS** that this case be **DISMISSED** without prejudice.

10 Dated: August 13, 2021

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12 _____
13 Nancy J. Koppe
14 United States Magistrate Judge

15 **NOTICE**

16 This report and recommendation is submitted to the United States District Judge assigned
17 to this case pursuant to 28 U.S.C. § 636(b)(1). A party who objects to this report and
18 recommendation must file a written objection supported by points and authorities within fourteen
19 days of being served with this report and recommendation. Local Rule IB 3-2(a). Failure to file
20 a timely objection may waive the right to appeal the district court's order. *Martinez v. Ylst*, 951
21 F.2d 1153, 1157 (9th Cir. 1991).
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